

ORDINANCE NO. 86 0918-F

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS:

TRACT 1. 33.836 ACRES OF LAND OUT OF AND A PART OF THE J.A.G. BROOKS SURVEY NO. 79, ABSTRACT NO. 69, FROM "DR" DEVELOPMENT RESERVE TO "SF-6" TOWNHOUSE AND CONDOMINIUM RESIDENCE; AND,

TRACT 2. 7.19 ACRES OF LAND OUT OF AND A PART OF THE J.A.G. BROOKS SURVEY NO. 69 AND THE MENUCAN HUNT SURVEY NO. 88, FROM "DR" DEVELOPMENT RESERVE TO "SF-6" TOWNHOUSE AND CONDOMINIUM RESIDENCE; AND,

TRACT 3. 4.82 ACRES OF LAND OUT OF AND A PART OF THE J.A.G. BROOKS SURVEY NO. 79, ABSTRACT NO. 69, FROM "DR" DEVELOPMENT RESERVE TO "MF-3" MULTI-FAMILY RESIDENCE (MED. DENSITY); AND,

TRACT 4. 2.954 ACRES OF LAND OUT OF AND A PART OF THE J.A.G. BROOKS SURVEY NO. 79, ABSTRACT NO. 69, FROM "DR" DEVELOPMENT RESERVE TO "RR" RURAL RESIDENCE DISTRICT, LOCALLY KNOWN AS 12300-12500 COPPERFIELD DRIVE, ALSO BOUNDED BY YAGER LANE, ; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. CHAPTER 13-2A of the Austin City Code of 1981 is hereby amended to change the base zoning district on the property described in File C14-86-039, to-wit:

TRACT 1. From "DR" Development Reserve to "SF-6" Townhouse and Condominium Residence.

33.836 acres of land, being all that certain tract or parcel of land out of and a part of the J.A.G. Brooks Survey No. 79, Abstract No. 69, situated in Travis County, Texas, more particularly described as being out of and a part of that certain tract conveyed to Nash Phillips/Copus, Incorporated, in Volume 8678, Page 503, of the Travis County, Texas, Deed Records, said 33.836 acres being more fully described by metes and bounds in Exhibit "A", attached hereto and incorporated herein for all purposes; and,

TRACT 2. From "DR" Development Reserve to "SF-6" Townhouse and Condominium Residence.

7.19 acres of land out of and a part of the J.A.G. Brooks Survey No. 69, and the Menucan Hunt Survey No. 88, situated in Travis County, Texas, more particularly described as being out of and a part of that certain tract conveyed to Nash Phillips/Copus, Incorporated, in Volume 8201, Page 670, Travis County, Texas, Deed Records. Said 7.19 acres of

land being more fully described by metes and bounds in Exhibit "B", attached hereto and incorporated herein for all purposes; and,

TRACT 3. From "DR" Development Reserve to "MF-3" Multi-Family Residence (Med. Density).

4.82 acres of land out of and a part of the J.A.G. Brooks Survey No. 79, Abstract No. 69, situated in Travis County, Texas, more particularly described as being a portion of that certain tract of land conveyed by deed to Nash Phillips/Copus, Inc. of record in Volume 8678, Page 503, Travis County, Texas, Deed Records, said 4.82 acres of land being more fully described by metes and bounds in Exhibit "C", attached hereto and incorporated herein for all purposes; and,

TRACT 4. From "DR" Development Reserve to "RR" Rural Residence District.

2.954 acres of land, being all that certain tract or parcel of land out of and a part of the J.A.G. Brooks Survey No. 79, Abstract No. 69, situated in Travis County, Texas, more particularly described as being out of and a part of that certain tract conveyed to Nash Phillips/Copus, Incorporated, in Volume 8678, Page 503 of the Travis County, Texas Deed Records, said 2.954 acres being more fully described by metes and bounds in Exhibit "D", attached hereto and incorporated herein for all purposes,

locally known as 12300-12500 Copperfield Drive, also bounded by Yager Lane in the City of Austin, Travis County, Texas.

PART 2. It is hereby ordered that the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall become effective ten (10) days following the date of its passage.

PASSED AND APPROVED

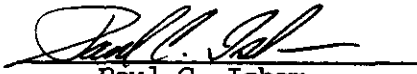
September 18

, 1986

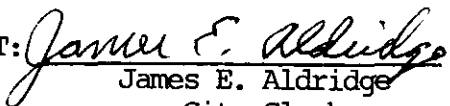
§  
§  
§  
§

  
Frank C. Cooksey  
Mayor

APPROVED:

  
Paul C. Isham  
City Attorney

ATTEST:

  
James E. Aldridge  
City Clerk

SJS:saf  
18

# CARLSON & DIPPEL

SURVEYING COMPANY

## EXHIBIT "A"

### FIELD NOTES

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE J. A. G. BROOKS SURVEY NO. 79 ABSTRACT NO. 69, SITUATED IN TRAVIS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT CONVEYED TO NASH PHILLIPS/COPUS, INCORPORATED, IN VOLUME 8678, PAGE 503, OF THE TRAVIS COUNTY, TEXAS, DEED RECORDS, BEING 33.836 ACRES MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the north R.O.W. line of Yager Lane, from which the southwest corner of Copperfield Section Three-A, a subdivision of record in Plat Book 84, Pages 184C-184D, of the Travis County, Texas, Plat Records, bears S 47°46'05" E, 497.81 feet, for the southeast corner of the herein described tract,

THENCE, with the west line of the herein described tract, the following thirteen (13) courses and distances, numbered 1 through 13,

1. N 02°21'37" E, 444.06 feet,
2. N 59°34'53" E, 105.79 feet,
3. N 57°01'53" E, 36.76 feet,
4. N 43°19'47" E, 89.04 feet,
5. N 10°46'14" E, 176.87 feet,
6. N 47°13'16" E, 82.60 feet,
7. N 84°17'20" E, 152.61 feet,
8. S 83°10'09" E, 150.19 feet,
9. N 86°06'00" E, 321.56 feet,
10. N 62°46'42" E, 363.39 feet,
11. N 19°12'44" E, 235.19 feet,
12. N 27°55'23" E, 300.00 feet,
13. N 26°59'15" E, 440.32 feet, to a point for the northwest corner of the herein described tract,

THENCE, with the north line of the herein described tract, S 60°56'15" E, 473.82 feet, to an iron pin in the west R.O.W. line of Copperfield Drive, for the northeast corner of the herein described tract,

THENCE, with the east line of the herein described tract, also being the west R.O.W. line of Copperfield Drive, the following ten (10) courses and distances, numbered 1 through 10,

1. S 07°26'00" W, 265.61 feet, to an iron pin for the beginning of a curve,
2. with a curve to the right whose radius equals 593.05 feet, an arc distance of 216.33 feet, and whose chord bears S 17°53'00" W, 215.13 feet,
3. S 28°20'00" W, 234.38 feet, to an iron pin for the beginning of a curve,
4. with a curve to the right whose radius equals 648.73 feet, an arc distance of 543.38 feet, and whose chord bears S 52°20'00" W, 527.72 feet,
5. S 76°20'00" W, 325.00 feet, to an iron pin for the beginning of a curve,,
6. with a curve to the left whose radius equals 558.99 feet, an arc distance of 546.35 feet, and whose chord bears S 48°20'00" W, 524.86 feet,
7. S 20°20'00" W, 265.00 feet, to an iron pin for the beginning of a curve,
8. with a curve to the right whose radius equals 290.12 feet, an arc distance of 111.40 feet, and whose chord bears S 31°20'00" W, 110.72 feet,
9. S 42°20'00" W, 290.15 feet, to an iron pin for the beginning of a curve,

10. with a curve to the right whose radius equals 15.00 feet, an arc distance of 23.54 feet, and whose chord bears S 87°17'00" W, 21.19 feet, to an iron pin in the north R.O.W. line of Yager Lane, for the southeast corner of the herein described tract,

THENCE, with the south line of the herein described tract, also being the north R.O.W. line of Yager Lane, N 47°46'05" W, 497.81 feet, to the POINT OF BEGINNING containing 33.836 Acres of Land.

Prepared By: CARLSON & DIPPEL SURVEYING COMPANY  
3401 Riddle Road  
Austin, Texas 78748

GW/add  
Job No. 1258  
7/18/86

EXHIBIT "B"

**CARLSON & DIPPEL**

SURVEYING COMPANY

FIELD NOTES

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE J.A.G. BROOKS SURVEY NO. 69, AND THE MEMUCAN HUNT SURVEY NO. 88, SITUATED IN TRAVIS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT CONVEYED TO NASH PHILLIPS/COPUS, INCORPORATED, IN VOLUME 8201, PAGE 670, TRAVIS COUNTY, TEXAS, DEED RECORDS, CONTAINING 7.19 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pin found in the he east line of the said Nash Phillips/Copus, Incorporated tract, said iron pin also being the northeast corner of Copperfield 3-D, a subdivision recorded in Book 85, Page 58A-58B, of the Travis County, Texas, Plat Records, for the southeast corner of the herein described tract,

THENCE, with the north line of the said Copperfield 3-D, the following two (2) courses and distances, numbered 1 and 2,

1. N 39°34'15" W, 345.63 feet, to an iron pin found,
2. N 61°40'00" W, 363.84 feet, to an iron pin found for the beginning of a curve in the east R.O.W. of Copperfield Drive, for the southwest corner of the herein described tract,

THENCE, with the west line of the herein described tract, also being the east R.O.W. line of Copperfield Drive, the following two (2) courses and distances, numbered 1 and 2,

1. with a curve to the left whose radius equals 663.05 feet, with a central angle of 20°54'00", a tangent distance of 122.29 feet, an arc distance of 241.86 feet, and whose chord bears N 17°53'00" E, 240.52 feet, to an iron pin found for the end of said curve,
2. N 07°26'00" E, 237.85 feet, to a point for the northwest corner of the herein described tract,

THENCE, with the north line of the herein described tract, S 60°56'15" E, 563.03 feet, to a point in the west R.O.W. line of the Proposed Parmer Lane,

THENCE, with the east line of the herein described tract, the following two (2) courses and distances, numbered 1 and 2,

1. with the west R.O.W. line of the Proposed Parmer Lane, S 09°31'30" E, 410.32 feet, to an iron pin found in the east line of the said Nash Phillips/Copus, Incorporated tract,
2. with the east line of the said Nash Phillips/Copus, Incorporated tract, S 28°50'00" W, 257.63 feet, to the POINT OF BEGINNING containing 7.19 Acres of Land.

Prepared By: CARLSON & DIPPEL SURVEYING COMPANY  
3401 Riddle Road  
Austin, Texas 78748

GW/add  
Job No. 1338  
2/24/86

EXHIBIT "C"

**CARLSON & DIPPEL**  
SURVEYING COMPANY

FIELD NOTES

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND PART OF THE J. A. G. BROOKS SURVEY NO. 79 ABSTRACT NO. 69, SITUATED IN TRAVIS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED BY DEED TO NASH PHILLIPS/COPUS, INC., OF RECORD IN VOLUME 8678, PAGE 503, TRAVIS COUNTY, TEXAS, DEED RECORDS, SAID TRACT BEING 4.82 ACRES OF LAND MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron stake for the northwest corner of the herein described tract, same being the southwest corner of that certain tract of land conveyed to Scott Storm of record in Volume 8184, Page 506, of the Travis County, Texas, Deed Records,

THENCE, with the north line of the herein described tract, S 60°56'15" E, 503.82 feet, to an iron stake in the west R.O.W. line of the Proposed Copperfield Drive, for the northeast corner of the herein described tract,

THENCE, with said R.O.W. line of the Proposed Copperfield Drive, the following two (2) courses and distances, numbered 1 and 2,

1. S 07°26'00" W, 265.61 feet, to the beginning of a curve,
2. with a curve to the right having a radius of 593.05 feet, an arc distance of 73.21 feet, and whose chord bears S 10°58'15" W, 73.16 feet, to an iron stake for the southeast corner of the herein described tract, same being the north R.O.W. line of the Proposed Metro Tech Boulevard,

THENCE, with said R.O.W. of the Proposed Metro Tech Boulevard, the following four (4) courses and distances, numbered 1 through 4,

1. with a curve to the right having a radius of 15.00 feet, an arc distance of 25.39 feet, and whose chord bears S 63°00'15" W, 22.46 feet,
2. N 68°30'00" W, 312.75 feet, to the beginning of a curve,
3. with a curve to the right having a radius of 510.00 feet, an arc distance of 57.74 feet, and whose chord bears N 65°15'30" W, 57.71 feet,
4. N 62°00'48" W, 237.13 feet, to an iron stake for the southwest corner of the herein described tract,

THENCE, with the west line of the herein described tract, N 27°59'12" E, 385.14 feet, to the POINT OF BEGINNING containing 4.82 Acres of Land.

Prepared By: CARLSON & DIPPEL SURVEYING COMPANY  
3401 Riddle Road  
Austin, Texas 78748

BDM/add  
Job No. 1258  
8/27/86

EXHIBIT "D"  
**CARLSON & DIPPEL**  
SURVEYING COMPANY

FIELD NOTES

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE J. A. G. BROOKS SURVEY NO. 79 ABSTRACT NO. 69, SITUATED IN TRAVIS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT CONVEYED TO NASH PHILLIPS/COPUS, INCORPORATED, IN VOLUME 8678, PAGE 503, OF THE TRAVIS COUNTY, TEXAS, DEED RECORDS, BEING 2.954 ACRES MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a point in the north R.O.W. line of Yager Lane, from which the southwest corner of Copperfield Section Three-A, a subdivision of record in Plat Book 84, Pages 184C-184D, of the Travis County, Texas, Plat Records, bears S 47°46'05" E, 497.81 feet, for the southeast corner of the herein described tract,

THENCE, with the north R.O.W. line of Yager Lane, also being the south line of the herein described tract, N 47°46'05" W, 77.29 feet, to an iron pin for the southwest corner of the herein described tract,

THENCE, with the west line of the herein described tract, the following seven (7) courses and distances, numbered 1 through 7,

1. N 00°34'00" E, 381.82 feet,
2. N 56°00'15" E, 284.82 feet,
3. N 07°36'45" E, 308.49 feet,
4. S 84°57'45" E, 683.58 feet,
5. N 58°51'00" E, 266.13 feet,
6. N 30°00'30" E, 332.24 feet,
7. N 27°59'12" E, 710.14 feet, to an iron pin for the northwest corner of the herein described tract,

THENCE, with the north line of the herein described tract, S 60°56'15" E, 30.00 feet, to a point for the northeast corner of the herein described tract,

THENCE, with the east line of the herein described tract, the following thirteen (13) courses and distances, numbered 1 through 13,

1. S 26°59'15" W, 440.32 feet,
2. S 27°55'23" W, 300.00 feet,
3. S 19°12'44" W, 235.19 feet,
4. S 62°46'42" W, 363.39 feet,
5. S 86°06'00" W, 321.56 feet,
6. N 83°10'09" W, 150.19 feet,
7. S 84°17'20" W, 152.61 feet,
8. S 47°13'16" W, 82.60 feet,
9. S 10°46'14" W, 176.87 feet,
10. S 43°19'47" W, 89.04 feet,
11. S 57°01'53" W, 36.76 feet,
12. S 59°34'53" W, 105.79 feet,
13. S 02°21'37" W, 444.06 feet, to the POINT OF BEGINNING containing 2.954 Acres of Land.

Prepared By: CARLSON & DIPPEL SURVEYING COMPANY  
3401 Riddle Road  
Austin, Texas 78748

GW/add  
Job No. 1258  
7/18/86



ADDITIONAL R.O.W.

STATE OF TEXAS:

COUNTY OF TRAVIS:

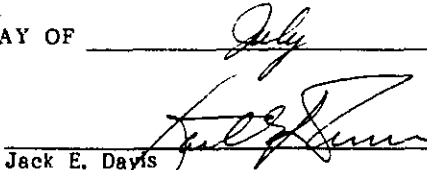
KNOW ALL MEN BY THESE PRESENTS:

THAT NASH PHILLIPS/COPUS, INCORPORATED, acting herein by and through its Senior Vice President, Jack E. Davis, of Travis County, Texas, being owner of that certain 2,961 Square Feet tract out of and a part of the J.A.G. Brooke Survey No. 79 Abstract No. 69, situated in Travis County, Texas, said tract being more particularly described as being a portion of that certain tract of land conveyed to Nash Phillips/Copus, Incorporated in Volume 8678, Page 503, of the Travis County, Texas, Deed Records, do hereby dedicate to the public the use of said 2,961 Square Feet of land, out of the aforementioned tract of land for a street and roadway purposes in so far as my interest appears herein.

SAID 2,961 SQUARE FEET OF LAND, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO WIT:

SEE ATTACHED FIELD NOTES AND PLAT/MAP.

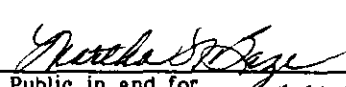
EXECUTED, THIS THE 24<sup>th</sup> DAY OF July, 1986, A.D.

  
\_\_\_\_\_  
Jack E. Davis  
Senior Vice President  
Nash Phillips/Copus, Incorporated

ACKNOWLEDGEMENT

Before me, the undersigned authority, a Notary Public in and for Travis County, Texas, on this day personally appeared Jack E. Davis, known to me to be the person whose name is subscribed to the foregoing instrument of writing and he acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacities therein stated.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE 24<sup>th</sup> DAY OF July, 1986, A.D.

  
\_\_\_\_\_  
Notary Public in and for Travis County, Texas  
My Commission Expires: 11/6/89

## FIELD NOTES

BEING ALL THAT CERTAIN TRACT OR PARCEL OUT OF AND A PART OF THE J.A.G. BROOKS SURVEY NO. 79 ABSTRACT NO. 69, SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THE PROPOSED LOT 5, BLOCK B, OF THE PROPOSED PLAT OF COPPERFIELD THREE-E, ALSO BEING OUT OF AND A PART OF THAT CERTAIN TRACT CONVEYED TO NASH PHILLIPS/COPUS, INCORPORATED, IN VOLUME 8678, PAGE 503, OF THE TRAVIS COUNTY, TEXAS, DEED RECORDS, BEING 2,961 SQUARE FEET OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a concrete monument in the north R.O.W. of Yager Lane, also being in the west R.O.W. line of Copperfield Drive, as shown on the plat of Copperfield Three-A, recorded in Plat Book 84, Pages 184C & 184D, of the Travis County, Texas, Plat Records, for the southwest corner of the said Copperfield Three-A plat and the southeast corner of the herein described tract,

THENCE, with the north line of Yager Lane, and the south line of the herein described tract, N 47°46'05" W, 575.10 feet, to a concrete monument found for the southwest corner of the herein described tract,

THENCE, with the west line of the herein described tract, N 00°34'00" E, 6.69 feet, to an iron pin set for the northwest corner of the herein described tract,

THENCE, with the north line of the herein described tract, the following two (2) courses and distances, numbered 1 and 2,

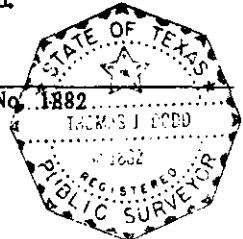
1. S 47°46'05" E, 579.56 feet, to an iron pin set for the beginning of a curve,
2. with a curve to the left whose radius equals 15.00 feet, with an angle of intersection of 89°53'55", a tangent distance of 14.97 feet, an arc distance of 23.54 feet, and whose chord bears N 87°17'00" E, 21.19 feet, to an iron pin set in the west line of the said Copperfield Drive, for the northeast corner of the herein described tract,

THENCE, with the west line of the said Copperfield Drive, and the east line of the herein described tract, the following two (2) courses and distances, numbered 1 and 2,

1. S 42°20'00" W, 5.00 feet, to an iron pin found for the beginning of a curve,
2. with a curve to the right whose radius equals 15.00 feet, with an angle of intersection of 89°53'55", a tangent distance of 14.97 feet, an arc distance of 23.54 feet, and whose chord bears S 87°17'00" W, 21.19 feet, to the POINT OF BEGINNING containing 2,961 Square Feet of Land.

Surveyed By:

Thomas J. Dodd — Registered Public Surveyor No. 1882  
CARLSON & DIPPEN SURVEYING COMPANY  
3401 Riddle Road  
Austin, Texas 78748

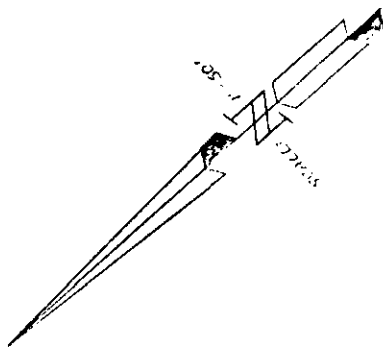


GW/add  
Job No. 1258  
7/14/86

SKETCH TO ACCOMPANY FIELD NOTES FOR 2961 SQ. FT. OF LAND OUT OF AND  
A PART OF THE J. A. G. BROOKS SURVEY NO. 79 ABSTRACT NO. 69 SITUATED IN  
THE CITY OF AUSTIN TRAVIS COUNTY TEXAS.

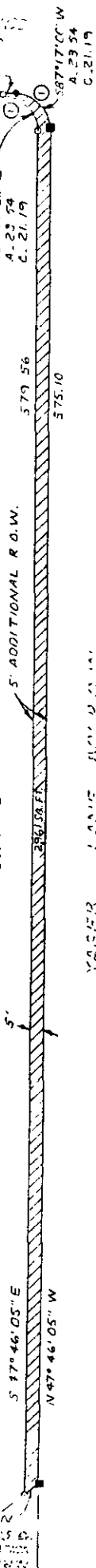
- LEGEND
- IRON PIN SET
  - IRON PIN FOUND
  - CONCRETE MONUMENT FOUND

▨ - AREA TO BE ACQUIRED FOR ADDITIONAL R.O.W. PURPOSE

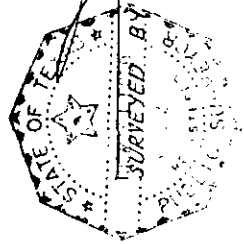


J. A. G. BROOKS SURVEY NO. 79 ABST NO. 69  
N.P.C. INC. VOL. 8578 PG. 503

PROPOSED  
COPPERFIELD SECTION THRENE-IE  
LOT 5



CURVE DATA  
I. 89° 53' 55"  
R. 15.00  
T. 14.97  
A. 23.54  
C. 21.19



DAVE LARSON AND DAVID SURVEYING COMPANY  
3401 RIDDLE ROAD  
AUSTIN, TEXAS 78748

RECORDED IN BOOK 114 PG. 1840  
COPPERFIELD SEC THRENE-IE  
ABSTRACT NO. 69

RESTRICTIVE COVENANT AND  
DEVELOPMENT AGREEMENT

THE STATE OF TEXAS           §           Zoning Case No. C14-86-039  
                                 §  
COUNTY OF TRAVIS           §

This Restrictive Covenant and Development Agreement is made and as of the date set forth below by Nash Phillips/Copus, Inc., a Texas corporation with principal offices in Travis County, Texas ("NPC"),

W I T N E S S E T H :

WHEREAS, NPC is the owner of certain real property in Travis County, Texas, described on Exhibit A attached hereto (the "Property"); and

WHEREAS, City and NPC have agreed that the Property should be impressed with certain covenants and restrictions running with the land, and desire to set forth such agreements in writing;

NOW, THEREFORE, NPC, as the present owner of the Property, hereby agrees with respect to the Property, such agreement to be deemed and considered as a covenant running with the land, and which shall be binding upon NPC and its successors and assigns as owner(s) of the Property, as follows:

1. As regards all portions of the Property which fall within a Principal Roadway Area, as defined by the City zoning ordinance (the "Planning Area"), direct access shall be permitted from any such Planning Area to the principal roadway only upon compliance with all applicable provisions (including submission of and review of any required site plan) of the Principal Roadway Zoning Regulations and other ordinances in effect at the time, and submission by the owner of such Planning Area of an appropriate Supplement to the Traffic Impact Analysis is submitted in connection with Zoning Case No. C14-86-039 (the "TIA"), justifying such a direct access on the basis of applicable City of Austin standards and generally accepted engineering criteria. NPC acknowledges that the existing plans for the Property and the

TIA prohibit such direct access and that additional information and/or evidence of changed conditions must be submitted before such access will be permitted.

2. No more than twenty-three (23) residential dwelling units shall be build on any one (1) acre of the Property.

3. If any person, corporation, or entity of any other character shall violate or attempt to violate the foregoing agreements and covenants, it shall be lawful for the City, or its successors or assigns, to prosecute proceedings at law or in equity against said person, corporation or entity violating or attempting to violate such agreement or covenants.

4. If any part or provision of this agreement shall be declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions, and such remaining provisions shall remain in full force and effect.

5. The failure at any time by the City to enforce any provision of this agreement, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

6. This agreement may be modified, amended or teminated as follows: minor revisions or modifications, upon request of the owner(s) of the portion of any Planning Area affected thereby, may be approved by the Planning Director of City if he determines that the circumstances or conditions applicable at the time of this agreement remain valid and that the changes would not affect the findings prescribed in Section 6155 of the zoning ordinance of City; any other change may be made only by the joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed such City Council, and (b) the owner(s) of the portion of any Planning Area affected by the proposed modification, amendment or termination at the time of such action.

7. The provisions of this agreement shall be binding upon and inure to the benefit of each owner of any portion of the Property, and its successors and assigns as owner thereof, the City and its successors and assigns.

NASH PHILLIPS/COPUS, INC., a Texas corporation

By:

Its:

Executive Vice-President

Jack E. Davis

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 8th day of July, 1986, by Jack E. Davis, Executive Vice-President of Nash Phillips Copus, Inc., a Texas corporation, on behalf of said corporation.

Martha N. Baze  
NOTARY PUBLIC, State of Texas

Print Name:

MARTHA N. BAZE

My Commission Expires:

11/5/89